

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BSG RESOURCES (GUINEA) LIMITED, BSG  
RESOURCES (GUINEA) SARL, and BSG  
RESOURCES LIMITED,

Plaintiffs,

v.

GEORGE SOROS, OPEN SOCIETY FOUNDATIONS,  
OPEN SOCIETY INSTITUTE, FOUNDATION TO  
PROMOTE OPEN SOCIETY, OPEN SOCIETY  
FOUNDATION, INC., ALLIANCE FOR OPEN  
SOCIETY INTERNATIONAL INC., OPEN SOCIETY  
POLICY CENTER, and OPEN SOCIETY FUND,

Defendants.

No. 1:17-cv-02726 (JFK) (AJP)

**DECLARATION OF ELIZABETH J. BOWER  
IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFFS' OBJECTION TO  
JUDGE PECK'S ORDER**

I, Elizabeth J. Bower, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a member in good standing of the bar of this Court and a member of the law firm of Willkie Farr & Gallagher LLP, counsel for George Soros, Open Society Foundations, Open Society Institute, Foundation to Promote Open Society, Open Society Foundation, Inc., Alliance for Open Society International, Inc., Open Society Policy Center, and Open Society Fund (collectively "Defendants"). I submit this declaration in support of Defendants' Opposition to Plaintiffs' Objection to Judge Peck's Order, dated September 26, 2017. The facts contained in this Declaration are based upon my personal knowledge, including my participation in the meet and confer process for this case.

2. During the meet and confer process preceding the September 1, 2017, conference before Judge Peck, Plaintiffs did not disclose any facts explaining how Plaintiffs came into the possession of the declaration of the declarant that is the subject of Plaintiffs' objection.

3. In a meet-and-confer among the parties on August 24, 2017, Plaintiffs represented, in substance, that Plaintiffs had no control over the declarant and that, to the best of Plaintiffs' knowledge, the declarant was not in the United States. Plaintiffs also represented that they believed the declarant's identity to be confidential and, therefore, would provide the name of the declarant only after the entry of a protective order in this Action. Plaintiffs later withdrew their designation of the declarant's name as confidential.

4. In a subsequent meet-and-confer among the parties on August 29, 2017, Plaintiffs represented that they did not believe they were in possession of contact information for the declarant. When presented with alternative spellings of the declarant's name, Plaintiffs represented that they could not confirm the spelling of the declarant's name.

5. On August 31, 2017, Plaintiffs disclosed to Defendants a purported address of the declarant located in Malawi.

6. I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 26, 2017  
New York, New York

/s/ Elizabeth J. Bower  
Elizabeth J. Bower